

3764

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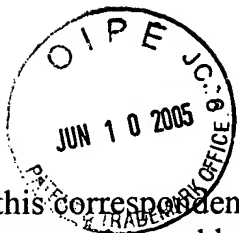
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/054,781	
	Filing Date	January 23, 2002	
	First Named Inventor	Clint D. Kolda	
	Group Art Unit	3764	
	Examiner Name	Fenn C. Mathew	
Total Number of Pages in This Submission	4	Attorney Docket Number	376.171

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Firm or Individual name	Andrew S. McConnell, Registration No. 32,272 Boyle, Fredrickson, Newholm, Stein & Gratz, S.C., Customer No.: 23598
Signature	
Date	6/8/05

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Type or printed name	Dawn M. Oleszak
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Date	June 8, 2005

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Dawn M. Oleszak
Dawn M. Oleszak

Date: June 8, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Clint D. Kolda et al

Docket No.: 376.171

Serial No.: 10/054,781

Filed: January 23, 2002

Examiner: Fenn C. Mathew

Group Art Unit: 3764

Title: *Variable Magnetic Resistance Unit For An Exercise Device*

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed March 8, 2005.

In the Office Action, the Examiner rejected claims 1, 3, 4, 8, 10-14, 16-21 and 25-28 under 35 USC §103(a) as being unpatentable over Huang U.S. Patent 6,736,761 in view of Liou U.S. Patent 6,273,845. It is respectfully but vigorously submitted that the Examiner's reliance on the combination of Huang and Liou to reject the noted claims is misplaced, and that the claims are allowable for the reasons set forth in the response filed November 24, 2004.

In rejecting the claims, the Examiner takes the position that Liou teaches a magnetic resistance arrangement including a flywheel having magnets "that radially

change position depending on the speed of a rotatable member" (Office Action, page 2, paragraph 2, lines 10-13). The Examiner further states that the Liou reference discloses magnetic members that are movable relative to the stationary conductive member in response to variations in speed of rotation of the rotatable member. In fact, the Liou reference does not disclose the subject matter set forth by the Examiner, and the combination of Liou with Huang does not render the claim to subject matter obvious under 35 USC §103(a).

In the Liou reference, the magnets 33 are mounted to arms 30. Each arm 30 has one end that is engaged with plate 10 via a pivot pin 31 that is engaged within a receiver 12 fixed to plate 10. The opposite end of each arm 30 is fixed to one of a series of extensions 21 provided on a follower 20. One end of a cable 50 extends through an opening in end 32 of arm 30, and the other end of cable 50 is engaged with end 22 of a follower extension 21. A spring 40 biases each arm 30 outwardly by applying an outward force to each arm 30 at a distance from pivot pin 31.

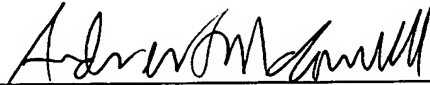
The position of arms 30, and thereby magnets 33, is not changed in response to the speed of rotation of plate 10, as stated by the Examiner. Rather, the position of arms 30 is adjusted by movement of a block 80 that is mounted within a slot 16 in the base of plate 10. Block 80 is connected to the follower 20 via a cable 83 that extends from block 80 into engagement with one of extensions 21 of follower 20. A cable 82 has one end secured to block 80, and has the other end coupled to a typical brake handle attached to the handle of the exerciser. With this arrangement, when the user wishes to lessen resistance, the user pulls cable 82 with the brake handle so as to cause movement of block 80 within slot 16. This movement of block 80 causes follower 20 to rotate, which rotates the arms 30 about the pivot pins 31 so as to move the magnets 33 inwardly. To return resistance to normal, the user releases the brake handle, and springs 40 move arms 30 outwardly, which causes rotation of follower 20 in the opposite direction and causes block 80 to return to its original position within slot 16.

It can thus be appreciated that the positions of magnets 33 has nothing to do with the speed of rotation of the rotatable member, but rather is controlled strictly by manual operation of a brake handle by an operator.

In view of the failure of the Liou reference to show or suggest magnetic members that move in response to variations in the speed of rotation of a rotatable member, it is respectfully but vigorously submitted that the combination of Huang and Liou does not render obvious the subject matter of any of the claims of this application. Accordingly, for the reasons set forth in the response mailed November 24, 2004, it is respectfully submitted that claims 1, 3-21 and 25-28 patentably define over the prior art, and are allowable.

The Examiner is encouraged to contact the undersigned if questions remain after consideration of this response, or if such would otherwise facilitate prosecution. Otherwise, this application is believed to be in condition for allowance with claims 1, 3-21 and 25-28, and such action is respectfully requested.

Respectfully submitted,

By 
Andrew S. McConnell
Reg. No. 32,272

Boyle, Fredrickson, Newholm,
Stein & Gratz, S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, WI 53202
(414) 225-9755

Customer No.: 23598